

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65cv1300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

JOINT MOTION TO APPROVE CONSENT ORDER

Plaintiffs Barnhardt, *et al.*, Plaintiff-Intervenor the United States of America (the “United States”) and the Defendant Meridian Public School District (the “District”) (together, the “Parties”) jointly move this Court for an order approving the proposed Consent Order (“Consent Order”) attached to this Motion as Exhibit A, which amends this Court’s November 7, 1969 school desegregation decree (“November 7, 1969 Order”) and all orders filed subsequently. This proposed Consent Order arises out of good-faith efforts to address the District’s ongoing obligations to comply with the November 7, 1969 Order, all subsequent orders, and applicable federal law. The proposed Consent Order resolves the United States’ and Private Plaintiffs’ concerns that the District’s student discipline policies and procedures discriminated against students based on race. Based on the United States’ two-year investigation of the District’s discipline policies and practices, the United States concluded that the District has not yet fully

satisfied its obligations in the area of, *inter alia*, administering student discipline in a fair and non-discriminatory manner, which the District denies. *See, e.g., Tasby v. Estes*, 643 F.2d 1103, 1104 (5th Cir. 1981); *Quarles v. Oxford Mun. Sep. Sch. Dist.*, 868 F.2d 750, 755-56 (5th Cir. 1989).

As set forth in the accompanying Memorandum of Law, the terms of the proposed Consent Order are fair, reasonable, adequate, and in the public interest. *See Horne v. Flores*, 557 U.S. 433, 450 (2009); *Union Asset Management Holding A.G. v. Dell, Inc.*, 669 F.3d 632, 639 (5th Cir. 2012); *Newby v. Enron Corp.*, 394 F.3d 296, 301 (5th Cir. 2004); *U.S. v. City of Alexandria*, 614 F.2d 1358, 1361 (5th Cir. 1980); *Cotton v. Hinton*, 559 F.2d 1326, 1330 (5th Cir. 1977); *Metro. Housing Dev. Corp. v. Vil. Arlington Hts.*, 616 F.2d 1006, 1014 (7th Cir. 1980). The terms of the proposed Consent Order are the result of extensive and cooperative negotiations, reach all significant concerns at issue in the United States' investigation and reflect the District's obligations under Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, and ensure that the District administers student discipline in a fair and non-discriminatory manner to reduce the disproportionate assignment of exclusionary sanctions to black students and provide all students with an equal opportunity to learn in a safe, orderly, and inclusive environment.

Accordingly, the Parties request that this Court approve the proposed Consent Order for the reasons more fully stated in the supporting memorandum of law.

Dated: March 22, 2013

Respectfully submitted,

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